IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING
(RULE 53(b)(1))

FOR DESIGN OR UTILITY APPLICATIONS
(DO NOT USE FOR CIPs)

00909

Rule 53(b)(1) PATENT APPLICATION:

- ☒ Continuation)
-                 ) application under 37 CFR 1.53(b)(1)
- ☐ Divisional)

of pending prior application of

Inventor(s): Randolph J. Noelle et al.

Group Art Unit: 1644

Examiner: P. Gambel

Parent Appln. No.:	09	080,349	Atty. Dkt.	P 0280613	1995-30-0232C2
	Series Code ⇧	Serial No. ⇧		New M#	Client Ref

Parent Filed: May 18, 1998
This Appln. Filed: May 8, 2001

Title: METHOD TO TREAT MULTIPLE SCLEROSIS WITH Gp39-SPECIFIC ANTIBODIES

Hon. Commissioner of Patents
Washington, DC 20231

Date: May 8, 2001
(Parent Matter No. 0275822)

Sir:

    To effect the above-requested filing today:

1. **Attached** is a copy (**which must be filed**) of the prior application, including:

   - ☒ Abstract
   - ☒ Specification and claims (14 pages) (**must be attached**)
   - ☒ Drawings (**must be attached if originally filed**): __3__ sheet(s)/set: ☐ 1 set informal; ☒ Formal of size ☒ A4 ☐ 11"

1A. Always X one box, only:
   - (1) ☒ Copy of Signed declaration or oath as originally filed in prior application attached
   - (2) ☐ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐ This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

   1. _____ 2. _____
   3. _____ 4. _____
   5. _____ 6. _____
   7. _____ 8. _____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

   1. _____ 2. _____
   3. _____ 4. _____
   5. _____ 6. _____
   7. _____ 8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of
                                                                            (country)

	Application No.	Filing Date		Application No.	Filing Date
(1)	_____	_____	(2)	_____	_____
(3)	_____	_____	(4)	_____	_____
(5)	_____	_____	(6)	_____	_____

        a. ☐ _____ (No.) Certified copy/copies attached.
        b. ☐ Certified copy/copies previously filed on _____ in
            U.S. Application No. ___/_____ , filed on _____
                series code ⇧   ⇧ serial no.
        c. ☐ Certified copy/copies filed during International stage of PCT/ ___/ . _____

4(a). (a) ☐ Domestic priority is claimed from PCT/ ___/___ ,   filed _____
       (b) ☐ Benefit is claimed of Provisional Application No. 60/___ , filed ___ .

5. ☒ Assignee (optional)   Trustees of Dartmouth College, Hanover, New Hampshire; and
                             Nederlandse Organisatie Voor Teogepastnatuurwetenschappelijk
                             Onderzoek TNO, Rijswijk, The Netherlands _____

6. ☐ Attached is the following number of Assignments (including original and all later successive ones by
       different assignors): _____ and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

       (Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you
       want it/them recorded against the continuing application.)

    Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Robin L. Teskin, Registration No. 35,030 _____

    (Name and Reg. No.)
    whose current address is as in item 8 below.
    a. ☐ Recognize as associate attorney_____
    _____
    (Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group
    of Pillsbury Winthrop LLP, Ninth Floor, East Tower 1100 New York Avenue, N.W.,
    Washington, D.C. 20005-3918**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated
    into this application by this reference:
              No. 09/ 080,349 filed May 18, 2001 _____
              No. 08/ 481,735 filed June 7, 1995 _____
              No. ___/_____ filed _____
        No. PCT/ ___/_____ filed _____ , which
    designated the U.S. and that International Application ☐ was   ☐ was not   published under PCT Acticle 21(2) in
                                                                                English

9(a). ☒ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit
        of the above listed US application(s)

10. **Small Entity Status →**   ☒ is Not claimed   ☐ is claimed (**pre**-filing confirmation **required**)
        :
        ___ (No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:
        ☐ filed in above prior application
        ☐ attached.

11.   Petition to extend the life of the above prior application to at least the date hereof
(one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).
(must be) ☐ was previously filed in that prior application (Check length of prior extension).
(X'd)   ☒ is not necessary for copendency (**Double check** before X'ing this box).

12. ☐ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are <u>not required</u> now. Please consider those documents and <u>advise</u> that they have been considered in <u>this new</u> application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .

13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.

14. Reserved

FILING FEE
THE FOLLOWING FILING FEE IS BASED ON
->->->->CLAIMS AS FILED AND **CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14**<-<-<-<-

<u>NOTE:</u> If box 1A<u>2</u> is X'd, do not pay fees,
but leave lines 15-22 and 27-32 <u>blank.</u>

				Large/Small Entity		Fee Code
15. Basic Filing Fee . . . . .Design Application				$320/$160		106/26
16. Basic Filing Fee . . . . .Utility Application				$710/$355	+710	101/201
17. Total Effective Claims	11	minus 20 =	0	x $18/$9	+0	103/203
18. Independent Claims	2	minus 3 =	0	x $80/$40	+0	102/202
19. If <u>any</u> proper multiple dependent claim (ignore improper) is present,				$270/$135	+0	104/204
20.				Subtotal =	$710	
21. If "petition" box 13 above is X'd, add petition fee. $130					+0	122
21A. If box 6 above is X'd, add Assignment recording fee . . . .$ 40					+0	581

22.   **TOTAL FILING FEE ATTACHED =** | **$710**

(carry forward to Item 31)

23. ☐ ATTACHED:

24 ☐ See the attached Preliminary Amendment

25. ☐ See <u>NONPUBLICATION</u> REQUEST under Rule 213(a) attached (Pat-258)

26.

ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25

	Claims remaining after amendment	Highest number previously paid for	Present Extra		Additional Fee	
				Large/Small Entity		File Code
27.	Total Effective Claims *___	minus ** __0__ = __0__	x $18/$9	=	$ _0_____	(103/203)
28.	Independent Claims *___	minus *** __0__ = __0__	x $80/$40	=	+ _0_____	(102/202)

29. If amendment enters proper multiple dependent claim(s) into this application for the first time, add (per application) . . . .$270/$135   + _0_____   (104/204)

30.   ADDITIONAL FEE $ _0_____

31.   plus **FEE** from item 22 on page 3   + _710___

32.   **TOTAL FEE ATTACHED** $ _710_____

33. *If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34. **If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

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Our Deposit Account No. 03-3975
Our Order No.   037003 | 0280613
                   C# | M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP
Intellectual Property Group

By Atty: Robin L. Teskin   Reg. No.   35,030

Sig: _____   Fax: (202) 822-0944
Atty./Sec RLT/kmh   Tel: (202) 861-3623

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments
NOTE No. 2: Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 11 above.
If yes, printout Pat-111 and head it in parent.